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ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS  
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2009 FEB -5 A 11: 27

Direct Energy Services, LLC

Petition for Emergency Relief to Protect Portions of  
Direct Energy's Report of Continued Compliance  
As an Alternative Retail Electric Supplier.

)  
) CHIEF CLERK'S OFFICE

) Docket No. 09-0071  
)

**PETITION**

NOW COMES Direct Energy Services, LLC ("Direct"), and hereby petitions the Illinois Commerce Commission ("Commission") for emergency relief to protect from disclosure for not less than five (5) years highly confidential and proprietary information included in its report of continuing compliance (the "Compliance Report") with its certification as an Alternative Retail Electric Supplier ("ARES"). In support of the instant Petition, Direct states as follows:

1. Direct is certified by the Commission as an ARES. The Commission originally granted Direct a certificate of service authority to provide service as an ARES in the State of Illinois on December 21, 2005 in ICC Docket No. 05-0722.
2. On January 30, 2009 Direct submitted a confidential and a public version of its Compliance Report to the Commission.
3. Direct's Compliance Report includes information and attachments regarding: (1) the confidential guaranty included in **Attachment A(1)** to the Compliance Report; (2) the confidential credit rating report presenting the long-term credit of Centrica plc included in **Attachment A(2)** to the Compliance Report; (3) the confidential and proprietary information regarding the total kilowatt-hours sold and delivered to retail customers in Illinois in the prior calendar year. The kilowatt-hour report

demonstrates Direct's continuing compliance with the requirement of 83 Ill. Adm. Code 451.770. Direct considers this information to be highly confidential and proprietary information, the disclosure of which to competitors, or potential competitors, would be detrimental to Direct.

4. The electric service industry is highly competitive, and it is imperative that public disclosure of confidential information contained in the Compliance Report be avoided for a period of at least five (5) years because of the competitive harm which disclosure of such information likely would cause Direct.
5. 83 Ill. Adm. Code Section 451.60 provides that: "If an applicant or ARES believes any of the information to be disclosed by an applicant or ARES is privileged or confidential, the applicant or ARES should request that the Commission enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies pursuant to 83 Ill. Adm. Code 200.430."
6. Section 7(g) of the Illinois Freedom of Information Act exempts from public disclosure "trade secrets and commercial or financial information . . . where the trade secrets or information are proprietary, privileged or confidential." (5 ILCS 140/7(g).) The financial and trade information contained in Direct's Compliance Report falls within this exemption.
7. Direct seeks an Order from the Commission, without hearing, protecting from disclosure, for a period of not less than five (5) years from the date of this Order, the following documents:

- (1) The confidential version of Direct's Compliance Report;

(2) The confidential information included in Attachments A(1) through A(2);

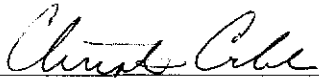
and

(3) The confidential and proprietary information the total kilowatt-hours sold and delivered to retail customers in Illinois in the prior calendar year.

WHEREFORE, Direct Energy Services, LLC respectfully requests that the Commission enter an Order, without hearing, protecting from disclosure for a period of not less than five (5) years, the above-referenced attachments and documents that were submitted pursuant to Part 451 to the Chief Clerk of the Commission, on January 30, 2009 as part of Direct's Compliance Report.

Respectfully submitted,

**DIRECT ENERGY SERVICES, LLC**

By: 

Christina L. Crable  
Compliance Analyst  
Direct Energy Services, LLC  
5400 Frantz Road, Suite 350  
Dublin, OH 43016

Verification

STATE OF OHIO                    )  
COUNTY OF FRANKLIN        )

SS:

Christina L. Crable, being first duly sworn, deposes and says that she represents Direct Energy Services, LLC; that she has read the foregoing Petition and that the statements contained in the Petition are true, correct, and complete to the best of her knowledge, information, and belief.



Christina L. Crable

Subscribed and sworn to before me  
this 26<sup>th</sup> day of January 2009.

  
Notary Public

Tina L. Leggett  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
06/12/2011